

## REMARKS

Claims 1-11, 13-22 and 35-45 are pending in the present application.

Claim 1 is amended to correct a typographical error.

Claims 3 and 14 are amended to independent form including all limitations of the base and any intermediate claims.

Claim 4 is amended to depend from claim 3 and to remove duplications.

Claims 5-7 and 10 are amended to depend from claim 3.

Claim 15 is amended to delete duplications.

Claim 21 is amended to depend from claim 14.

Claims 36-45 are newly entered claims ultimately depending from either claim 3 or claim 14.

Reconsideration on the merits is respectfully requested.

The claims are believed to be allowable for the reasons set forth herein. Notice thereof is respectfully requested.

### Objections and Allowable Claims

Claim 35 is allowed and remains unamended herein.

Claims 3 and 14 were objected to for depending from a rejected base claim but were indicated to be allowable in independent form. Claims 3 and 14 have been so amended and are now believed to be in condition for allowance.

Claims 4-11, 21, 22 and 36-45 ultimately depend from either claim 3 or claim 14.

Based on the foregoing claims 3, 4-11, 14, 21, 22, 35 and 36-45 are believed to be allowable for the reasons of record.

#### Rejections under 35 U.S.C. § 102

Claims 1, 2, 4-11, 13 and 15-22 are rejected under 35 U.S.C. 102(e), as being anticipated by Kasajara (USP 6,838,135).

The rejection of claims 4-11 and 22 has been rendered moot by amendment.

Remaining claims 1, 2, 13 and 15-21 are rejected.

The Office has argued that examples 25, 26 and 28-31 of Karajara represent compounds which are within the scope of Formula II of instant claim 1. Applicants respectfully disagree.

To facilitate discussion compounds 25, 26 and 28-31 are presented in the following table with the substituent listed in terms corresponding to Formula II of claim 1.

Compound	R <sup>1</sup>	R <sup>2</sup>	L <sub>2</sub>
25	-C(=O)-CH=CH <sub>2</sub>	H	-(CH <sub>2</sub> ) <sub>2</sub> -
26	-C(=O)-CH=CH <sub>2</sub>	H	-CH <sub>2</sub> CH(CH <sub>3</sub> )-
28	-C(=O)-CH=CH <sub>2</sub>	H	-(CH <sub>2</sub> ) <sub>2</sub> O(CH <sub>2</sub> ) <sub>2</sub> -
29	-C(=O)-CH=CH <sub>2</sub>	CH <sub>3</sub>	-(CH <sub>2</sub> ) <sub>2</sub> -
30	-C(=O)-CH=CH <sub>2</sub>	C <sub>2</sub> H <sub>5</sub>	-(CH <sub>2</sub> ) <sub>2</sub> -
31	-C(=O)-CH=CH <sub>2</sub>	CH <sub>3</sub>	-CH <sub>2</sub> CH(CH <sub>3</sub> )-

The groups R<sup>2</sup> and L<sub>2</sub> fall within the definition as set forth in claim 1. Applicants disagree with the position of the Office that group R<sup>1</sup> is within the definition as set forth in claim 1.

R<sup>1</sup> is defined in claim 1 as being selected from the group consisting of a substituted saturated aliphatic group, an unsubstituted saturated aliphatic group, a substituted aliphatic group, a substituted or unsubstituted aryl group and a substituted or unsubstituted heteroaryl group. For the purposes

of the present discussion only the aliphatic groups are at issue.

The terms "saturated aliphatic group" and "unsaturated aliphatic group" are clearly defined on page 5 lines 25-30 wherein stated is:

"The term saturated aliphatic group as used in disclosing the present invention means saturated straight chain, branched chain and alicyclic hydrocarbon groups.

The term unsaturated aliphatic group as used in disclosing the present invention means straight chain, branched chain and alicyclic hydrocarbon groups which contain at least one double or triple bond."

The compounds listed by the Office each have a substituted carbonyl group at the position equivalent to  $R^1$  in claim 1. A substituted carbonyl group can not be regarded as a substituted saturated or unsaturated aliphatic group as those terms are defined in the present application.

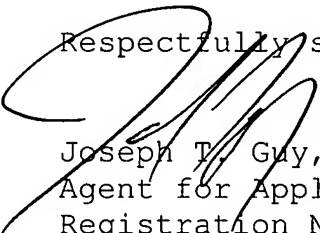
In summary, Kasahara fails to recite a compound within the formula of claim 1. More specifically, Kasahara fails to recite a compound with an  $R^1$  within the formula of claim 1. A rejection under 35 U.S.C. 102(e) of claim 1, or any claim dependent thereon, is improper due to the failure of the cited reference to recite at least one claimed element.

The rejection of Claims 1, 2, 4-11, 13 and 15-22 under 35 U.S.C. 102(e), as being anticipated by Kasajara is rendered moot by amendment or traversed.

#### CONCLUSIONS

All pending claims are now believed to be in condition for allowance. Notice thereof is respectfully requested.

Respectfully submitted,

  
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